IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.8968 of 2005
Date of Decision:21.05.2007

Smt. Dalip Kaur

.....Petitioner

Vs.

The Panjabi University, Patiala and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. R.S.Chauhan, Advocate for the petitioner.

Mr. R.L.Sharma, Advocate for the respondents.

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M.M.Kumar, J.

The prayer made by the petitioner in this petition filed under Article 226 of the Constitution is for quashing order dated 15.3.2005 (Annexure P.3) declining her request to grant compassionate appointment in lieu of death of her husband Atma Singh, who had died on 31.12.2002.

The principal reason for declining the compassionate appointment to the petitioner is that her sons are already in employment. It has been clarified in para 8 of the reply that her four sons are employed and one of the son is working with the University itself. In addition, the petitioner has received the G.P. Fund, leave encashment and gratuity. It has further been pointed out that the case of the petitioner does not fall within the four corners of the judgment of Hon'ble the Supreme Court in the case of **Umesh Kumar Nagpal v. State of Haryana,** (1994)4 SCC 138 as the petitioner cannot be considered to be living in penury. The son who is employed with the University had also agreed to look after his mother as this fact has been mentioned in para 8(ii) of the reply filed by the University.

After hearing learned counsel, we are of the considered view that the compassionate appointment is permitted only in the deserving cases

where surviving widow or the children are unable to make both ends meet. It is an exception carved out to the general rule that the public employment shall be given to all those who are eligible and after considering the claim, the appointment should be offered.

For the afore-mentioned proposition, apart from the judgment in the case of **Umesh Kumar Nagpal's case (supra)**, the other judgments of Hon'ble the Supreme Court like **National Hydro Electric Power Corporation v. Nanak Chand,** (2004) 12 SCC 487; **Commissioner of Public Instructions v. K.R.Vishwanath,** (2005) 7 SCC 206 and **State of Manipur v. Mohd. Rajaodin,** (2003) 7 SCC 511could also be relied upon.

There is no merit in the petition.

Dismissed.

(M.M.KUMAR)
JUDGE

May 21, 2007 **(RAJESH BINDAL)**
renu **JUDGE**